

## INTISARI

### TANGGUNG JAWAB PERUSAHAAN JASA TRANSPORTASI DALAM PERKARA KERUGIAN KONSUMEN (STUDI KASUS PUTUSAN NOMOR 236/PDT.G/2021/PN.JKT SEL)

Oleh:

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Penelitian ini membahas mengenai bagaimana kesesuaian Putusan Pengadilan Nomor 236/Pdt.G/2021/PN.Jkt Sel mengenai tanggung jawab perusahaan jasa transportasi kepada konsumen terhadap peraturan perundang-undangan. Dalam putusan tersebut Mika Honda selaku Penggugat melakukan gugatan kepada PT Blue Bird selaku Tergugat I, PT Golden Bird selaku Tergugat II, dan Sigit Mugiyono selaku Tergugat III. Penelitian ini juga membahas mengenai potensi penerapan teori *vicarious liability* terhadap perusahaan jasa transportasi dalam hal penumpang menderita kerugian.

Penelitian ini bersifat yuridis normatif dan menggunakan studi kepustakaan untuk memperoleh bahan hukum primer, sekunder, dan tersier. Penelitian ini menggunakan metode kualitatif dengan mengumpulkan data kemudian dianalisis dan disusun secara sistematis dan deskriptif.

Berdasarkan penelitian dan pembahasan, diperoleh kesimpulan sebagai berikut, Pertama, Putusan Pengadilan Nomor 236/Pdt.G/2021/PN.Jkt Sel belum sepenuhnya sesuai dengan peraturan perundang-undangan, khususnya dalam Pasal 1365, Pasal 1366, dan Pasal 1367 Kitab Undang-Undang Perdata dan UU Lalu Lintas dan Angkutan Jalan dikarenakan terdapat pihak yang tidak memenuhi unsur Perbuatan Melawan Hukum (PMH). Di samping itu, putusan *a quo* telah sesuai dengan ketentuan dalam UU Perlindungan Konsumen dan UU Arbitrase dan Alternatif Penyelesaian Sengketa. Kedua, terdapat potensi penerapan teori *vicarious liability* pada pertanggungjawaban perusahaan jasa transportasi atas PMH yang dilakukan pengemudi meskipun memiliki perbedaan penerapan yang mengacu pada jenis hubungan ketenagakerjaan para pihak.

Kata kunci: Jasa Transportasi, Perbuatan Melawan Hukum, Tanggung jawab Hukum, *Vicarious liability*, Konsumen

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## ***ABSTRACT***

### **LIABILITY OF TRANSPORTATION SERVICES COMPANY IN CONSUMER LOSSES CASE (CASE STUDY OF COURT DECISION NUMBER 236/PDT.G/2021/PN.JKT SEL)**

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This research discusses the compliance of Court Decision Number 236/Pdt.G/2021/PN.Jkt Sel regarding the liability of transportation services companies to consumers towards statutory regulations. In this decision, Mika Honda, as the Plaintiff, filed a lawsuit against PT Blue Bird as Defendant I, PT Golden Bird as Defendant II, and Sigit Mugiyono as Defendant III. This research also discusses the possibility of applying vicarious liability theory to transportation services company for losses suffered by passen

This research is normative juridical and uses literature study to obtain primary, secondary, and tertiary legal materials. This research uses a qualitative method by collecting data and then analyzing and compiling it systematically and descriptively.

Based on research and discussion, the following conclusions were obtained, First, Court Decision Number 236/Pdt.G/2021/PN.Jkt Sel is not fully in accordance with statutory regulations, especially in Article 1365, Article 1366, and Article 1367 of the Civil Code and Road Traffic and Transportation Law because there are parties who do not fulfill the elements of Unlawful Acts. In addition, the quo decision is in accordance with the Consumer Protection Law and the Arbitration and Alternative Dispute Resolution Law. Second, there is the potential for applying vicarious liability theory to the liability of transportation service companies for unlawful acts carried out by their drivers, although there are differences in the application that depend on the type of employment relationship between the parties.

**Keywords:** Transportation Services, Unlawful Acts, Liability, Vicarious Liability, Consumers

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